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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,105	08/31/2001	Kerry Adam	616502000100	2118
25225 7590 07/18/2007 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/945,105

Applicant(s)

ADAM ET AL.

Examiner

Clement B. Graham

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3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/6/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-8 remained pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner U.S. Patent 4, 903, 201.

As per claim 1, Wanger discloses a method for effecting a transaction in commodities on an commodity exchange, comprising:
establishing a communication network defining a community of buyers and sellers of commodities (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) receiving a first multiplicity of seller asks, over the communication network, from a plurality of selling entities, each seller ask corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) receiving a second multiplicity of buyer bids, over the communication network, from a plurality of buying entities, each buyer bid corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) posting said first multiplicity of seller asks and second multiplicity of buyer bids to the community of buyers and sellers over the communication network in the form of level-2 trading data (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) executing at least one transaction between a buyer and a seller with respect to a particular commodity by a buyer's making an electronic indication on a respective posted seller ask for that particular commodity. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Wanger fail to explicitly teach agricultural.

However the type of commodities traded would not have affected the true function of the system trading commodities.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made that the teachings of Wanger when applied could have trade a varieties of commodities regardless of the type.

As per claim 2, Wanger discloses further comprising the step of executing at least one transaction between a buyer and a seller with respect to a particular commodity by a seller's making an electronic indication on a respective posted buyer bid for that particular commodity. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

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As per claim 3, Wanger discloses wherein each respective buyer bid is associated with a desired quantity index and wherein each respective seller ask is associated with a corresponding inventory index. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

As per claim 4, Wanger discloses a method for effecting efficient electronic transactions in commodities, comprising:

establishing an commodity exchange, including a communication

network linking a community of buyers and sellers of commodities;

receiving a multiplicity of seller asks, each seller ask associated with a corresponding inventory index, from a plurality of selling entities, each seller ask corresponding to a particular commodity(see column 5 lines 5-61 and column 7 lines 12-27 and column 3

lines 39-52) receiving a multiplicity of buyer bids, each buyer bid associated with a corresponding desired quantity index, from a plurality of buying entities, each buyer bid corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) posting said multiplicity of seller asks and said

multiplicity of buyer bids to the community of buyers and sellers over the communication

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network in the form of level-2 trading data. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) accommodating changing market conditions by facilitating immediate electronic changes to inventory and desired quantity indices in any or all of the multiplicity of buyer bids or seller asks; and posting the modified buyer bids and seller asks in real-time to the community of buyers and sellers over the communication network in the form of level-2 trading data, as changes are made. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made that the teachings of Wanger when applied could have trade a varieties of commodities regardless of the type.

As per claim 5, Wanger discloses comprising:

accommodating changing market conditions by facilitating immediate electronic changes to seller asking prices and buyer bid prices in any or all of the multiplicity of buyer bids or seller asks; and posting the modified buyer bids and seller asks in real-time to the community of buyers and sellers over the communication network in the form of level-2 trading data, as changes are made. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

As per claims 6-8, Wanger discloses a system for effecting efficient electronic transactions in an marketplace, comprising:

an trading platform, including a communication network linking a community of participating buyers and sellers of items, the trading platform including a server system coupled to user access devices over the communication network. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) a database, the database structured in accordance with a categorical hierarchical structure, the top-level categories of the database corresponding to top-level market subdivisions comprising

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the agriculture related marketplace, the database containing a plurality of transaction offer notices for items organized in accordance with a corresponding one of the plurality of top-level markets. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) a set of blank transaction offer notices in the form of a data record defining a transaction's parameters, each participating entity providing appropriate transaction parameters in the data record. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) a plurality of completed transaction offer notices stored in the database, a search engine, hosted by the server system, the search engine searching the database for transaction notices in accordance with a query corresponding to at least one transaction parameter. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) and a negotiation engine, hosted by the server system, the negotiation engine facilitating an electronic transfer of a modified transaction offer notice between an originating party and a negotiating party(see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Wanger fail to explicitly teach agricultural.

However the type of commodities traded would not have affected the true function of the system trading commodities.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made that the teachings of Wanger when applied could have trade a varieties of commodities regardless of the type.

Conclusion

RESPONSE TO ARGUMENTS

4 Applicant's arguments filed 4/6/07 has been fully considered but they are moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

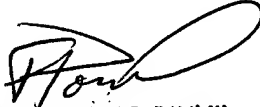
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

June 29, 2007


FRANTZY POINVIL
PRIMARY EXAMINER

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